IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 3541 of 2007(V)

PETITIONER:

FILATEX-VCT PVT. LTD.,
PLOT NO.75, INDUSTRIAL AREA, VELI,
THIRUVANANTHAPURAM- 695 021,
REPRESENTED BY ITS GENERAL MANAGER,
N.S.SANKARAN.

BY ADV. SRI.V.GIRI
SRI.T.R.RAJAN

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY.

2. **ASST.EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION, BEACH,
   TRIVANDRUM.

3. **SUB ENGINEER, KSEB, CHAKKA, TRIVANDRUM.**

4. **APTS, KSEB REPRESENTED BY**
   THE ASST. EXECUTIVE ENGINEER, POWER HOUSE,
   TRIVANDRUM.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.3541 OF 2007-V

Judgment

The petitioner is a consumer of electricity under the respondents. It is running an industrial unit and LT IV tariff is applicable to it. Its meter was found to be not functioning with effect from 25.10.2006. So, the petitioner submitted Ext.P1 representation on 26.10.2006 pointing out this fact and thereafter, the meter was replaced on 27.10.2006. The average monthly consumption of the petitioner was about 3000 units and it was paying the bills from time to time as evident from Exts.P2, P3 and P4. While so, without assigning any reason, it was served with Ext.P5 bill demanding an amount of Rs. 1,82,908/-. This Writ Petition is filed challenging Ext.P5.

2. The respondents would submit that on inspection by the anti power theft squad, it was found that the petitioner's meter was not recording the energy consumption correct, owing to corrosion of the wiring, giving connection to the meter. So, after the replacement of the meter, three months' consumption was noticed which varied from 12000 to 14000 units and based on the average consumption for one month, the petitioner was called upon to pay the difference in the average energy charges for the past six months from the date of replacement of the meter. Ext.P5 contains the said demand. Therefore, it is submitted that there is nothing illegal with Ext.P5.

3. Heard. Ext.P5 shall be treated as a provisional bill. The petitioner may file its objections to it within two weeks from today. In that event, the 2nd

respondent will consider its objections and serve the final bill within one week thereafter. If the petitioner files the objections within two weeks from today, the recovery of the amount under Ext.P5 shall be kept in abeyance till the 2nd respondent passes final orders in the matter. If the petitioner is aggrieved by the decision of the 2nd respondent, it may avail the statutory remedy available to it under the Act and the Regulations framed thereunder.

The Writ Petition is disposed of as above.

21.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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